IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17192 of 2004

Between:

1 The Assistant Director (Rect).,

O/o Chief General Manager Telecommunications
A.P. Suryalok Complex, Abids, Hyderabad .
2 Bharat Sanchar Nigam Ltd.,

rep by Chief General Manager, A.P. Circle,

Door Sanchar Bhavan, Nampally, Hyderabad

..... PETITIONERS

AND

K. Madavilatha D/o K. Sudhakar
R/o A-3, Telecom Quarters, Adikmet Road,

O.U Campus, Hyderabad

..... RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly in the nature of Writ of Certiorari to call for the records in M.A. No. 481/2004 in O.A. NO. 1224/2003 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad dated 12-08-2004 as illegal and contraryto law and set a side the same.

Counsel for the Petitioners: MR.B.NARASIMHA SARMA

Counsel for the Respondent: Mr. Surendra Desai. (Not present)

The Court at the stage of admission made the following

ORDER **(per the Hon'ble Sri Justice Goda Raghuram)**:

Earlier, assailing the conduct of examinations to the post of Junior Accounts Officer and alleging certain irregularities in such examinations, the respondent herein filed Writ Petition No.21473 of 2003 before this Court. A learned single Judge of this Court by the order dated 14-10-2003 having declared that the remedy of the petitioner (therein) is to approach the Central Administrative Tribunal (for short 'Tribunal') for appropriate relief and that the writ petition is not maintainable, dismissed the Writ Petition.

In view of the aforesaid judgment, the respondent herein filed O.A.No.1224 of 2003 before the Tribunal and also appears to have obtained certain interim directions. The petitioners herein, who were also the respondents in Writ Petition No.21473 of 2003, filed an application in M.A.No.481 of 2004 seeking vacation of the interim orders granted by the Tribunal contending that the O.A. is not maintainable before the Tribunal. The Tribunal by the order impugned herein dated 12-08-2004 rejected the said contention of the writ petitioners holding that as this Court (in W.P.No.21473 of 2003) had directed the applicant to approach the Tribunal, the Tribunal cannot refuse to entertain the O.A. and finding no other justification for vacating the interim order, the M.A. was dismissed and the writ petitioners called upon to comply with the interim directions dated 17-06-2004 earlier granted by the Tribunal.

It is stated by the learned Standing Counsel for Central Government, Sri B.

Narasimha Sarma, that B.S.N.L. is a company, and as it was not notified, as required under Section 14 (2) of the A.P. Administrative Tribunal Act, 1995, the O.A. is not maintainable. It is also urged that it was so held by a Full Bench of the Central Administrative Tribunal and a Bench of the Calcutta High Court.

Be that as it may, no such contention as to the maintainability of O.A. before the Tribunal was raised by the writ petitioners, who were the parties to and had appeared before this Court duly represented by the Standing Counsel for Central Government. The petitioners are, therefore, bound by the judgment dated 14-10-2003 in W.P.No.24713 of 2003. The decision said to have been rendered by the Calcutta High Court, is of persuasive value. The judgment in W.P.No.21473 of 2003 has become final and its correctness has not canvassed by the writ petitioners by appeal or any other due proceedings. The law declared therein that the remedy of the petitioner therein is to approach the Central Administrative Tribunal for appropriate relief and that the earlier writ petition was not maintainable, is the law between the parties. This is what for the Tribunal held and correctly so.

We find no error requiring admittance of the Writ Petition. The Writ Petition is accordingly dismissed at the stage of admission. No order as to costs.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

7th October, 2004

lsn/pvks

To

1 The Assistant Director (Rect).,

O/o Chief General Manager Telecommunications,
A.P. Suryalok Complex, Abids, Hyderabad .

2 The Chief General Manager,

Bharat Sanchar Nigam Ltd.,

A.P. Circle, Door Sanchar Bhavan, Nampally, Hyderabad

3. K. Madavilatha D/o K. Sudhakar
R/o A-3, Telecom Quarters, Adikmet Road,

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